

**Resolution No. 246    September 19, 2012**

**Setting A Public Hearing Pursuant To Section 1182 Of the Real Property Tax Law Of The State Of New York To Consider The Request For Cancellation Or Reduction Of Interest, Penalties And Other Charges On Town Of Shandaken Property Owned By ERED Enterprises, Inc., on Tuesday, October 16, 2012 at 7:00 PM**

Referred to: The Ways and Means Committee (Chairman Gerentine and Legislators Harris, Maio, Maloney, Gregorius, Provenzano and Rodriguez) and The Laws and Rules, Governmental Services Committee (Chairman Roberts and Legislators Fabiano, Maio, Ronk, Donaldson, Loughran and Robert Parete)

Legislator John Parete offers the following:

WHEREAS, there is existing tax foreclosure litigation pursuant to Article Eleven of the Real Property Tax Law by Ulster County against ERED Enterprises, Inc. (Index No. 09-5759 in County Court of the County of Ulster) for property described in such litigation as SBL: 023.000-001-4.3000-0000 in the Town of Shandaken; and

WHEREAS, the property at issue was subject to substantial negative impact as a result of Hurricane Irene and Tropical Storm Lee, which the Legislature hereby finds eliminated the ability to utilize the property for its intended purpose; and

WHEREAS, pursuant to Section 1182 of the Real Property Tax of the State of New York, Cancellation or reduction of interest, penalties and other charges: “If the governing body of any tax district shall determine that it is for the best interests of the tax district, it shall have the power, by resolution, to authorize the enforcing officer to permit the cancellation in whole or in part of any interest, penalties or other charges imposed by law to which the tax district or any other municipal corporation shall be lawfully entitled; provided, however, that in cases where such interest, penalties, or other charges, if collected by the tax district, belong to a municipal corporation therein, no reduction or remission in whole or in part of such interest, penalties, or other charges shall be made without the consent of the municipal corporation affected, which consent may be given by resolution adopted after a public hearing,” and

WHEREAS, the property owner has requested that some of the interest or penalties claimed to be owing by the Commissioner of Finance be waived; now, therefore be it

RESOLVED, that the Clerk of the Ulster County Legislature is directed to cause a legal notice of said Public Hearing to be published according to law, and, be it further

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RESOLVED, that said Public Hearing pursuant to Section 1182 Of the Real Property Tax Law Of The State Of New York To Consider The Request For Cancellation Or Reduction of any or all of the Interest, Penalties And Other Charges On Town Of Shandaken Property Owned By ERED ENTERPRISES, INC., with the Section Block and Lot number stated above, be held on Tuesday, October 16, 2012 at 7:00 PM, in the Legislative Chambers, Ulster County Office Building, 244 Fair Street, Kingston, New York;

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:    21                      NOES:    0  
(Absent: Legislators Donaldson and Harris)

FINANCIAL IMPACT:  
\$300.00 – APPROXIMATE ADVERTISING COSTS

STATE OF NEW YORK  
                                  ss:  
COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 19th day of September, 2012, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 21<sup>st</sup> Day of September in the year Two Thousand and Twelve.

/s/ Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature